

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS, AMENDING THE REVISED USER CHARGE SYSTEM FOR THE PAYMENT OF OPERATION AND MAINTENANCE COSTS OF THE SANITARY SEWER SYSTEM OPERATED BY THE JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS AND ADOPTING USER CHARGE RATES EFFECTIVE FOR THE REGULAR ASSESSMENT PERIOD COMMENCING AFTER JANUARY 1, 2005

RESOLUTION NO. WD 04-069

Now on this 9th day of December 2004, the Board of County Commissioners of Johnson County, Kansas, sitting as the governing body of the Johnson County Unified Wastewater Districts (hereinafter referred to as "Johnson County Wastewater" or "JCW"), met in regular session at the Johnson County Administration Building, 111 South Cherry, Olathe, Kansas, a quorum, being present and participating.

There came on for consideration before the Board the matter of adopting amendments to the Revised User Charge System for the Payment of Operation and Maintenance Costs of the Sanitary Sewer System adopted July 11, 2002, under Resolution No. 02-35, and previously amended on December 5, 2002, by Resolution No. WD 02-67, and on July, 3, 2003, by Resolution No. WD 03-056 and adopting user charge rates for the payment of operation and maintenance costs of the sanitary sewer system operated by the Johnson County Unified Wastewater Districts. Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, pursuant to the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, and the Administrative Regulations of the United States Environmental Protection Agency (EPA), adopted pursuant thereto, any municipality receiving federal funds from EPA to construct wastewater treatment facilities must have a user charge system for the payment of operation and maintenance costs of the sewerage treatment facilities; and

WHEREAS, the user charge system must be approved by the Kansas Department of Health and Environment (KDHE) according to the guidelines and criteria outlined in the Administrative Regulations of EPA; and

WHEREAS, Johnson County Wastewater is the administrative body for the individual sewer districts maintained within the Johnson County Unified Wastewater Districts and as such is the body that operates and maintains the wastewater treatment facilities, including the implementation of the budgets and payment of the costs of operation and maintenance on behalf of all individual sewer districts within the Johnson County Unified Wastewater Districts, as authorized by State statute and Charter Resolution No. 29-92; and

WHEREAS, the Revised User Charge System for Payment of Operation and Maintenance Costs of the Sanitary Sewer System (the Revised User Charge System) was adopted by the Board on July 11, 2002, under Resolution No. 02-35, first became effective on January 1, 2003, and was previously amended on December 5, 2002, by Resolution No. WD 02-67, and on July 3, 2003, by Resolution No. WD 03-056; and

WHEREAS, PURSUANT TO THE PROVISIONS OF THE Revised User Charge System, the Administrator may recommend for approval by the Board revisions to the Revised User Charge System, the Customer Service Charge, Minimum User Charge, Volume Charge Rate, BOD Charge Rate, and Suspended Solids (TSS) Charge Rate for all classes and

WHEREAS, the Administrator has recommended that the Customer Service Charge, Minimum Usage Charge, Volume Charge Rate, BOD Charge Rate, and Suspended Solids (TSS) Rate set forth on the attached Exhibit "A" be approved by the Board of County Commissioners effective for the regular assessment period commencing after January 1, 2005; and

WHEREAS, the Administrator has recommended that changes to User Class R-II, Regular Assessment Period, and Bank Fee provisions of the Revised Sewer Charge System be approved by the Board of County Commissioners effective January 1, 2005; and

WHEREAS, the Board of County Commissioners has also determined that certain provisions of the Revised User Charge System require amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas, as governing body of the Johnson County Unified Wastewater Districts that the Customer Service Charge, Minimum User Charge, Volume Charge Rate, BOD Charge Rate, and Suspended Solids (TSS) Charge Rate as set forth on the attached Exhibit "A" for the collection of revenue for the payment of the operation and maintenance costs of the Johnson County Unified Wastewater Districts for the regular assessment period commencing after January 1, 2005, are hereby approved and shall become effective for the regular assessment period commencing after January 1, 2005, following publication of this Resolution in a newspaper of general circulation within Johnson County, Kansas.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Johnson County, Kansas, as the governing body of the Johnson County Unified Wastewater Districts, that the Revised User Charge System for Payment of Operation and Maintenance Costs of the Sanitary Sewer System adopted by the Board on July 11, 2002, under Resolution No. 02-35, as previously amended on December 5, 2002, by Resolution No. WD 02-67, and on July, 3, 2003, by Resolution No. WD 03-056, is hereby amended effective upon adoption, as hereinafter set forth, and the Revised User Charge System, as hereinafter amended, shall become the Revised User Charge System for the collection of revenue for the payment of the operation and maintenance costs of the Johnson County Unified Wastewater Districts:

1. SECTION V.B. USER CLASS R-II (Multi-Family Residential Customers) is amended and replaced in its entirety as follows:

SECTION V.B. USER CLASS R-II (Multi-Family Residential Customers) shall include all non-exempt, multi-family residential users with property located within the prescribed service area of Johnson County Unified Wastewater Districts. User class R-II is sub-classified as follows for the purpose of calculating the applicable default user charge:

- a. Single Meter Multi-Family
 - b. Master Meter Multi-Family
2. SECTION IX C: REGULAR ASSESSMENT PERIOD is amended and replaced in

its entirety as follows:

SECTION IX C: REGULAR ASSESSMENT PERIOD. The annual assessment rates and water use data shall be established and affect rate adjustments and charges effective with the first billing period commencing after January 1 of each year following the conclusion of all billing periods for customers based upon the prior years rates and water use data, or such other date as may be established by the Board of County Commissioners as part of the Resolution approving and adopting the rates or charges.

3. SECTION XIII.B: BANK FEES is amended and replaced in its entirety as follows:

SECTION XIII.B: BANK FEES. The Wastewater Districts shall charge and be entitled to recover any bank fees or charges, including but not limited to fees or charges assessed for returned checks, insufficient funds checks, and stop payments, at the same rate such fees or charges are assessed from time to time by the Johnson County Treasurer's Office.

All other provisions of the Revised User Charge System for Payment of Operation and Maintenance Costs of the Sanitary Sewer System adopted by the Board on July 11, 2002, under Resolution No. 02-35, as previously amended on December 5, 2002, by Resolution No. WD 02-67, and on July, 3, 2003, by Resolution No. WD 03-056, shall be unaffected by this Resolution. This Resolution amending Resolution Nos. WD 02-35, WD 02-67, and WD 03-056 shall become effective immediately upon its publication in a newspaper of general circulation within Johnson County, Kansas.

The Board of County Commissioners of Johnson County, Kansas, as the governing body of the Johnson County Unified Wastewater Districts

Annabeth Surbaugh, Chairman

ATTEST:

John A. Bartolac, County Clerk

Roger Tarbuton, Assistant County Counselor

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Exhibit A

Code Customer Class		Volume only Rates			
		Service Charge	Volume (1)		
R	S.F. Residential	\$1.50	\$	1.83234	
MF-SM	M.F. Residential - Single Meter	\$1.50	\$	1.83234	
MF-					
MM	M.F. Residential - Master Meter	\$1.50	\$	1.83234	
C	General Commercial	\$1.50	\$	1.83234	
I	General Industrial	\$1.50	\$	1.83234	
EM	Property Tax Exempt (Monthly)	\$1.50	\$	1.83234	
EA	Property Tax Exempt (Tax Bill)	\$1.50	\$	1.83234	
Volume and Strength Rates					
Code Customer Class		Service Charge	Volume	BOD (2)	TSS (2)
CM	High Strength - Misc Commercial	\$1.50	\$ 0.89232	\$ 0.18772	\$ 0.15330
CF	High Strength - Food Retailing	\$1.50	\$ 0.89232	\$ 0.18772	\$ 0.15330
CW	High Strength - Car Washes	\$1.50	\$ 0.89232	\$ 0.18772	\$ 0.15330
CL	High Strength - Laundromats	\$1.50	\$ 0.89232	\$ 0.18772	\$ 0.15330
IM	High Strength - Misc. Industrial	\$1.50	\$ 0.89232	\$ 0.18772	\$ 0.15330
S	Subscriber (Wholesale)	\$1.50	\$ 0.32093	\$ 0.18772	\$ 0.15330
<p>Minimum charge will be \$3.72</p> <p>(1) volume rate is per 1,000 gallons and includes Strength charge</p> <p>(2) BOD & TSS rates are per LBS</p>					